

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RETIREMENT BOARD OF THE  
POLICEMEN'S ANNUITY AND BENEFIT  
FUND OF THE CITY OF CHICAGO,  
WESTMORELAND COUNTY EMPLOYEE  
RETIREMENT SYSTEM, CITY OF GRAND  
RAPIDS GENERAL RETIREMENT  
SYSTEM, and CITY OF GRAND RAPIDS  
POLICE AND FIRE RETIREMENT  
SYSTEM (on Behalf of Themselves and  
Similarly Situated Certificate Holders),

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON, (as  
Trustee Under Various Pooling and Servicing  
Agreements),

Defendant.

**Case No. 11-cv-05459-WHP**

**Honorable William H. Pauley**

**ECF Case**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Matthew D. Ingber, executed on December 16, 2011, with exhibits, Defendant The Bank of New York Mellon will move this Court, before the Honorable William H. Pauley, at the courthouse located at 500 Pearl Street, New York, New York, for an order pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) dismissing the Amended Complaint.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Scheduling Order dated November 8, 2011, opposition papers, if any, shall be served on Defendant The Bank of New York Mellon by January 13, 2012. Reply papers shall be served by January 20, 2012.

Dated: December 16, 2011  
New York, New York

MAYER BROWN LLP

/s/ Matthew D. Ingber  
Matthew D. Ingber

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